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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,796	12/21/2001	Volker Detering	1454.1202	1945
21171	7590	10/17/2003	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			MIS, DAVID C	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/018,796	Applicant(s) DETERING ET AL.	
	Examiner David Mis	Art Unit 2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-26 is/are allowed.
- 6) ☒ Claim(s) 16-18, 28-30, 34 and 36 is/are rejected.
- 7) ☒ Claim(s) 19, 27, 31-33 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

"Electronic Circuit Arrangement for Generating a Transmit Frequency" can be replaced by --Transmitter Frequency Generator--, which is better because a title should be brief. And, --Transmitter Frequency Generator having (significant feature)—would be even better because the "Electronic Circuit Arrangement for Generating a Transmit Frequency" does not point out anything not already in most transmitters.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-18, 28-30, 34 are again and 36 is rejected under 35 U.S.C. 102(b.) as being clearly anticipated by Schenk.

See especially, column 2, lines 56-61, which indicate that, the Schenk circuit was for a transceiver, which modulated the output signal. See especially figure 3, and column 5, line 22-28, the PLL includes a voltage controlled oscillator (VCO) locked to another oscillator – which operation describes a phase locked loop, which VCO provided an output signal and a feed back

signal which was compared with an external reference signal, and the voltage control signal comprising voltage and current. See especially figure 2, divider 13a and mixer 15. See especially figure 2, the BPF's 17-20. The Schenk circuit was "for generating a transmit frequency for a transceiver" (claim 16, lines 1 AND 2) because the carrier frequency of the transceiver's transmitter was transmitted. The Schenk mixer was "used in generating a signal at the transmit frequency" (claim 16, line 7) because the carrier signal was used in generating the transmitted signal. The divider and mixer of Schenk suppressed frequency jumps caused by switching the same way Applicant's divider and mixer do; that is: new function for an old means is not patentable.

4. For background, see Kelley. Kelley, like Schenk, was assigned to the Hughes Aircraft Company and had a matching author "Wanda K. Denson-Low". The terminology "transceiver" meant transmitter / receiver. Kelley elaborated on what the transceiver did, (see especially column 2, lines 12-28). Kelley said that the transceiver's frequency generator provided both receive and transmit frequencies, (see especially column 3, line 63 to column 4, line 6). Where the language "radio receiver or transceiver applications" appeared in Schenk, it is understood that this meant radio receiver or transmitter / receiver applications". And, if the Schenk

"invention may be used in wide band radio receiver or transceiver applications" (column 2, lines 66-67), then the Schenk invention was used in radio receivers or transmitter / receiver's, in known ways. Thus, the Schenk generator was either multiplexed as was done in Kelley or separate Schenk generators for reception and transmission were used. The assertion that Schenk's invention was used in a transmitter is not less meaningful than the assertion that Schenk's invention was used in a receiver just because the transmitter was only one part of the transmitter / receiver or transceiver. It was not necessary for Schenk to explicitly say "transmitter" because a transmitter is part of a transceiver. That Schenk explicitly said "receiver" and not "transmitter" does not eliminate the transmitter from "transceiver", it may rather have been that Schenk had different context and did not need to explicitly say "transmitter".

5. Claims 19, 27, 31-33 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 20-26 are allowed.

7. The drawings are objected to because the blocks that are not be readily identified must be labeled with descriptive legends. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Mis whose telephone number is 7033084907. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on 7033084909. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 7033080956.



David Mis
Primary Examiner
Art Unit 2817